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Filing date: **11/14/2018**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91237315
Party	Defendant Universal Life Church Monastery Storehouse, Inc.se, Inc.
Correspondence Address	MICHAEL P MATESKY II MATESKY LAW PLLC 1001 4TH AVE, SUITE 3200 SEATTLE, WA 98154 UNITED STATES trademarks@mateskylaw.com, mike@mateskylaw.com 206-701-0331
Submission	Motion to Quash
Filer's Name	Michael P. Matesky, II
Filer's email	mike@mateskylaw.com, litigation@mateskylaw.com, amy@agilelegal.com
Signature	/Michael P. Matesky, II/
Date	11/14/2018
Attachments	Mot. Quash Depos. final.pdf(29905 bytes) Matesky Dec final.pdf(15155 bytes) exhibits for declaration final.pdf(4009767 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE
MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

MOTION TO QUASH DEPOSITION
NOTICES AND FOR A PROTECTIVE
ORDER DIRECTING THAT SUCH
DEPOSITIONS NOT BE TAKEN

Pursuant to Fed. R. Civ. P. 26(C)(1), 37 C.F.R. §§ 2.116(a), 2.120(g), and T.B.M.P. §§ 410, 521, and 526, Applicant Universal Life Church Monastery Storehouse, Inc. (“Applicant”) moves to quash the deposition notices of Applicant, George Freeman, and Dallas Goschie served by Opposer at 12:02am Eastern Standard Time on November 14, 2018, and for a protective order forbidding the taking of such depositions. Applicant makes such motion on the grounds that (a) Opposer has failed to give reasonable written notice of the proposed depositions, and (b) Opposer cannot demonstrate good cause to extend the deposition period to take such depositions. The parties seek a telephonic conference to resolve this motion, as well as the Motion for Extension (Dkt. No. 14) and Motion to Quash (Dkt. No. 15) filed by Opposer.

I. BACKGROUND

The discovery period in this matter is set to close on November 16, 2018. (Dkt. No. 13.) On, October 11, 2018, Applicant served supplemental discovery requests on Opposer. (Declaration of Michael P. Matesky, II submitted concurrently herewith (“Matesky Decl.”) ¶ 2.)

On October 25, 2018, counsel for Applicant and Opposer conferred telephonically to discuss discovery. (Matesky Decl. ¶ 3.) During that call, Applicant's counsel informed Opposer's counsel that Applicant would seek to take depositions of Opposer and its representatives the week of November 12-16, 2018, so that Applicant would have the benefit of Opposer's additional discovery responses, but also complete depositions within the discovery period. (*Id.*) Opposer's counsel stated that she would be travelling and unavailable from November 10, 2018, through the close of discovery. (*Id.*) During this October 25, 2018, telephone call, Opposer's counsel did not state that Opposer intended to depose Applicant or its representatives, or identify any deponents that Opposer wished to depose. (*Id.* ¶ 4.)

On November 5, 2018, Applicant's counsel served deposition notices on Opposer setting depositions of Opposer and two of its employees for November 14-16, 2018. (*Id.* ¶¶ 5-7, Exs. B-D.) That same day, Applicant's counsel sent a letter to Opposer's counsel acknowledging that these deposition dates were inconvenient for Opposer's counsel (based on her prior representation that she would be travelling), and proposing a 30-day extension of the discovery period "solely for the purpose of taking the noticed depositions." (*Id.* ¶ 8, Ex. E.) Between November 6th and November 8th, counsel for the parties discussed the length of the proposed extension by email. (*Id.* ¶ 10, Ex G.) At no point during those email discussions did Opposer's counsel mention taking depositions of Applicant or its representatives, nor did Opposer's counsel identify any potential deponents that Opposer sought to depose. (*Id.*)

On Friday, November 9th, before the 3-day Veterans Day weekend and the final (short) week of the discovery period, having received no final agreement from Opposer's counsel regarding the length of the proposed extension, Applicant's counsel called Opposer's counsel.

(*Id.* ¶ 11.) During this call, for the first time, Opposer's counsel mentioned **(a)** that she would not be travelling until after the close of the discovery period, and **(b)** that Opposer may want to take the deposition of Applicant's President and Presiding Chaplain, George Freeman, sometime in December. (*Id.*) Applicant's counsel did not agree to this proposal, but told Opposer's counsel that he would discuss the matter with his client and get back to her. (*Id.*)

On Saturday, November 10, 2018, Applicant's counsel sent a letter to Opposer's counsel stating that **(a)** having learned that Opposer's counsel would not be travelling, Applicant was prepared to take the depositions of Opposer and its employees during the discovery period, as noticed, **(b)** Applicant would not oppose a motion to allow rescheduling of the noticed depositions of AMM and its employees between December 6, 2018, and December 21, 2016, and **(c)** Applicant would not consent to any motion allowing an extension of time to depose George Freeman or any other representatives of Applicant, who could have been deposed during the discovery period with adequate notice. (*Id.* ¶ 12, Ex. H.)

During a telephone call on November 13, 2018, Opposer's counsel confirmed that Opposer and its employees would not attend their noticed depositions, and intended to file a motion to quash. (*Id.* ¶ 14.) Late on the evening of November 13, 2018, Opposer filed a motion to quash Applicant's deposition notices. (Dkt. No. 13) Early on the morning of November 14, 2018 (EST), Applicant filed a motion to extend the deposition period. (Dkt. No. 14.) At 12:02am EST on November 14, 2018, Opposer served deposition notices for Applicant, Applicant's President and Presiding Chaplain George Freeman, and Applicant's Director and Operations Manager Dallas Goschie, stating that each such deposition was to take place on November 16, 2018. (*Id.* ¶ 15, Ex. J.)

II. ARGUMENT

Applicant requests that the Board quash the deposition notices of Applicant, George Freeman, and Dallas Goschie, and issue a protective order directing that such depositions not be taken, because Opposer has failed to give reasonable notice of such depositions, and has not shown good cause for extending the discovery period to take such depositions.

A. Opposer Failed to Give Due or Reasonable Notice

A party seeking to take a deposition must give reasonable notice in writing to all parties in the action. Fed. R. Civ. P. 30(b)(1), 37 C.F.R. § 2.123(c) (requiring “due notice” be given). In the present case, Opposer served deposition notices on November 14, 2018, for depositions to be taken on November 16, 2018 (i.e., two days’ notice for depositions to be held on the final day of the discovery period). (Matesky Decl. ¶ 14, Ex. I.) In a remarkable coincidence, the Board has already issued a precedential opinion holding that deposition notices served on November 14th for depositions to be held on November 16th (i.e. two days’ notice for a deposition to be held on the final day of the testimony period) constitutes unreasonable notice. *Gaudreau v. Am. Promotional Events, Inc.*, 82 U.S.P.Q. 2d 1692, 1694, 1696 (T.T.A.B. 2007).

In this case, the circumstances are even worse than in *Gaudreau*, because November 16, 2018, had already been noticed as a date for deposing Opposer (Matesky Decl. ¶ 7, Ex. D), and Opposer’s counsel had already represented that she is actually unavailable on November 16, 2018 (Matesky Decl. ¶ 13, Ex. I (“I leave Friday so will be unavailable on Friday.”)). Indeed, it appears clear that Opposer does not actually wish to depose Applicant or its representatives during the discovery period, as noticed, but merely wants to avoid having its last-minute deposition notices quashed for setting depositions outside the discovery period. *See Nat’l.*

Football League v. DNH Mgmt. LLC, 85 U.S.P.Q.2d 1852, 1855 (T.T.A.B. 2008) (granting motion to quash deposition notice setting deposition for after the close of discovery period).

B. Opposer Fails to Demonstrate Good Cause for Extension

Opposer has failed to demonstrate good cause for extending the discovery period to take the depositions of Applicant, George Freeman, or Dallas Goschie, because Opposer did not seek to take these depositions during the discovery period. Opposer appears to concede the likelihood that its deposition notices will be quashed, because Opposer has filed a motion seeking leave to take these depositions in December. (Dkt. No. 14) A party seeking to extend the discovery period must show “good cause.” *See Nat’l. Football League*, 85 U.S.P.Q.2d at 1854. “When...a party does not...attempt to depose its adversary during the prescribed discovery period, a motion to extend discovery will ordinarily be denied.” *Id.* (citing *Leumme, Inc. v. D.B. Plus Inc.*, 53 U.S.P.Q.2d 1758, 1760 (T.T.A.B. 1999)).

Opposer made no attempt to depose Applicant, George Freeman, or Dallas Goschie during the discovery period. Rather, Opposer waited until the last minute and then served deposition notices for a date that (a) was previously scheduled for Opposer’s deposition, and (b) Opposer’s counsel already identified as a date she was unavailable. (Matesky Decl. ¶¶ 7, 13, Exs. D, I.) This does not constitute a good faith attempt to take these deponents’ depositions during the discovery period, and does not constitute “good cause” for allowing their depositions to be taken after the close of discovery.

III. CONCLUSION

For the reasons stated above, Applicant respectfully requests that the Board grant its motion to quash the deposition notices of Applicant, George Freeman, and Dallas Goschie, and

enter a protective order prohibiting such depositions from being taken.

DATED: November 14th, 2018

Respectfully submitted:

MATESKY LAW^{PLLC}

s/ Michael P. Matesky, II/

Michael P. Matesky, II
(Washington Bar No. 39586)
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.702.0332
Email: mike@mateskylaw.com;
litigation@mateskylaw.com

Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing on Opposer's counsel of record by email transmission to nancy.stephens@foster.com and renee.stewart@foster.com pursuant to Trademark Rule § 2.119(b), 37 C.F.R. § 2.119(b).

Dated: November 14th, 2018

s/ Amy Wallace/
Amy Wallace

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE
MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

DECLARATION OF MICHAEL P.
MATESKY, II

I, Michael P. Matesky, II, declare as follows:

1. I am and at all relevant times have been counsel for Applicant in this matter.
2. On October 11, 2018, Applicant served supplemental discovery requests on Opposer.
3. On October 25, 2018, I conferred telephonically with Nancy Stephens, counsel for Opposer in this matter, to discuss discovery. During this call, I informed Ms. Stephens that Applicant would seek to take depositions of Opposer and its representatives the week of November 12-16, 2018, so that Applicant would have the benefit of Opposer's responses to Applicant's supplemental discovery, but also complete depositions within the discovery period. Ms. Stephens stated that she would be travelling and unavailable from November 10, 2018, through the close of discovery.

4. During the October 25, 2018, telephone call between counsel, Ms. Stephens did not state that Opposer intended to depose Applicant or its representatives, or identify any deponents that Opposer wished to depose.

5. On November 5, 2018, I served on Opposer deposition notice for Dylan Wall, setting his deposition for November 14, 2018, a true and correct copy of which is attached hereto as Exhibit B.

6. On November 5, 2018, I served on Opposer deposition notice for Glen Yoshioka, setting his deposition for November 15, 2018, a true and correct copy of which is attached hereto as Exhibit C.

7. On November 5, 2018, I served on Opposer deposition notice for American Marriage Ministries, setting the deposition for November 16, 2018, a true and correct copy of which is attached hereto as Exhibit D.

8. On November 5, 2018, I served on Opposer a letter discussing the American Marriage Ministries, Dylan Wall, and Glen Yoshioka deposition notices, a true and correct copy of which is attached hereto as Exhibit E.

9. On November 6, 2018, I sent two emails to Opposer's counsel regarding depositions, true and correct copies of which are attached hereto as Exhibit F.

10. Between November 6, 2018, and November 8, 2018, I emailed with Opposer's counsel regarding deposition timing. True and correct copies of these emails are attached hereto as Exhibit G.

11. On Friday, November 9, 2018, I called Ms. Stephens to discuss depositions. During this call, for the first time, Ms. Stephens mentioned (a) that she would not be travelling

until after the close of the discovery period, and (b) that Opposer may want to take the deposition of Applicant's President and Presiding Chaplain, George Freeman, sometime in December. I did not agree to this proposal, but told Opposer's counsel that I would discuss the matter with my client and get back to her.

12. On Saturday, November 10, 2018, I sent a letter to Opposer's counsel, a true and correct copy of which is attached hereto as Exhibit H.

13. On Monday, November 12, 2018, Ms. Stephens sent me an email, a true and correct copy of which is attached hereto as Exhibit I, stating that she would be unavailable on Friday, November 16, 2018.

14. On Tuesday, November 13, 2018, I spoke with Ms. Stephens by phone. During this call, Ms. Stephens confirmed that American Marriage Ministries, Dylan Wall, and Glen Yoshioka would not attend their noticed depositions, and that her client intended to file a motion to quash those deposition notices.

15. At 12:02am EST on November 14, 2018, I received the email and deposition notices attached hereto as Exhibit J.

DATED: November 14th, 2018

s/ Michael P. Matesky, II/

Michael P. Matesky, II

Exhibit B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE
MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

NOTICE OF DEPOSITION OF DYLAN
WALL

PLEASE TAKE NOTICE that, in accordance with 37 CFR § 2.120 and Fed. R. Civ. P. 30, Applicant Universal Life Church Monastery Storehouse, Inc. (“Applicant”) will take the discovery deposition of Glen Yoshioka, commencing at 9:00AM on November 14, 2018, at the offices of Matesky Law PLLC, 1001 4th Ave., Suite 3200, Seattle, WA 98154. The testimony shall be recorded by stenographic and/or audiovisual means by a notary public or other officer authorized to administer oaths. The deposition will be taken for the purposes of discovery and for any other purpose permitted under the Federal Rules of Civil Procedure and the rules of the Board. The deposition will continue until completed as provided in the Federal Rules of Civil Procedure. You are invited to attend and cross-examine.

DATED: November 5, 2018

By: s/ Michael P. Matesky, II/
Michael P. Matesky, II (WSBA # 39586)
Matesky Law PLLC

1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.701.0332
Email: mike@mateskylaw.com;
litigation@mateskylaw.com

Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document on Opposer's counsel of record by email transmission to nancy.stephens@foster.com and renee.stewart@foster.com, pursuant to Trademark Rule § 2.119(b), 37 C.F.R. § 2.119(b).

Dated this 5th day of November, 2018

/s/ Michael P. Matesky, II/
Michael P. Matesky, II

Exhibit C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE
MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

NOTICE OF DEPOSITION OF GLENN
YOSHIOKA

PLEASE TAKE NOTICE that, in accordance with 37 CFR § 2.120 and Fed. R. Civ. P. 30, Applicant Universal Life Church Monastery Storehouse, Inc. (“Applicant”) will take the discovery deposition of Glen Yoshioka, commencing at 9:00AM on November 15, 2018, at the offices of Matesky Law PLLC, 1001 4th Ave., Suite 3200, Seattle, WA 98154. The testimony shall be recorded by stenographic and/or audiovisual means by a notary public or other officer authorized to administer oaths. The deposition will be taken for the purposes of discovery and for any other purpose permitted under the Federal Rules of Civil Procedure and the rules of the Board. The deposition will continue until completed as provided in the Federal Rules of Civil Procedure. You are invited to attend and cross-examine.

DATED: November 5, 2018

By: s/ Michael P. Matesky, II/
Michael P. Matesky, II (WSBA # 39586)
Matesky Law PLLC

1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.701.0332
Email: mike@mateskylaw.com;
litigation@mateskylaw.com

Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document on Opposer's counsel of record by email transmission to nancy.stephens@foster.com and renee.stewart@foster.com, pursuant to Trademark Rule § 2.119(b), 37 C.F.R. § 2.119(b).

Dated this 5th day of November, 2018

/s/ Michael P. Matesky, II/
Michael P. Matesky, II

Exhibit D

Amy Wallace

From: Mike Matesky <mike@mateskylaw.com>
Sent: Monday, November 5, 2018 8:30 PM
To: 'Nancy Stephens'
Cc: 'Renee Stewart'
Subject: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc.,
Opposition No. 91237315 (T.T.A.B.)
Attachments: AMM Depo. Not. 110518.pdf

Nancy,

Please see the attached 30(b)(6) deposition notice for American Marriage Ministries. Please let me know as soon as you are able whether AMM will stipulate to the proposed discovery extension set forth in my email/letter from earlier today.

Sincerely,
Mike

Mike Matesky
Matesky Law PLLC
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.701.0332
mike@mateskylaw.com
www.mateskylaw.com



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE
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UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

NOTICE OF DEPOSITION OF
AMERICAN MARRIAGE MINISTRIES

PLEASE TAKE NOTICE that, in accordance with 37 CFR § 2.120 and Fed. R. Civ. P. 30(b)(6), Applicant Universal Life Church Monastery Storehouse, Inc. (“Applicant”) will take the discovery deposition of Opposer American Marriage Ministries (“Opposer”), commencing at 9:00AM on November 16, 2018, at the offices of Matesky Law PLLC, 1001 4th Ave., Suite 3200, Seattle, WA 98154. The testimony shall be recorded by stenographic and/or audiovisual means by a notary public or other officer authorized to administer oaths. The deposition will be taken for the purposes of discovery and for any other purpose permitted under the Federal Rules of Civil Procedure and the rules of the Board. The deposition will continue until completed as provided in the Federal Rules of Civil Procedure. You are invited to attend and cross-examine.

Opposer is advised that, as set forth in TBMP §404.06(b), it must designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf with respect to the matters described below for examination. If more than one person is designated,

Opposer may specify the matters on which each person will testify. Such designated person(s) must testify about information known to or reasonably available to Opposer, based upon information known to such person(s), as well as information reasonably available to Opposer from documents, other current and past employees, and other sources. Preparation and investigation by the designated person(s) is essential, and failure to comply with this requirement may result in sanctions being imposed upon Opposer.

Opposer will be examined on the following matters, and should present its witness(es) most knowledgeable of:

1. The factual allegations made by Opposer in the pleadings, or in response to any interrogatory or request for admission served on Opposer in this matter, together with the identity of all documents, tangible and intangible things, and witnesses presently known to Opposer that may support, confirm, corroborate, challenge, contradict, or deny those factual allegations;
2. The factual bases presently known to Opposer which support the legal allegations made by Opposer in the pleadings, or in response to any interrogatory or request for admission served on Opposer in this matter, including any evidence of those factual bases that has been provided to Opposer's counsel thus far in this proceeding;
3. The nature and extent of actual use, if any, of the term "get ordained" by Opposer or Applicant, including the commencement of such use and the continuity of such use from commencement to the present day, and any goods or services with which such term was used;
4. The nature and extent of actual use, if any, of the term "get ordained" by third parties in connection with any services identified in U.S. Trademark Application No.

87/430,729, including the commencement of such use and the continuity of such use from commencement to the present day;

5. The nature and extent of actual use, if any, of the term “get ordained” as a trademark, service mark, or source identifier, by Opposer, Applicant, or any third party, in connection with any service identified in U.S. Trademark Application No. 87/430,729, including the commencement of such use and the continuity of such use from commencement to the present day;

6. The nature and characteristics of the consumers, recipients, or other users of goods and services provided by Opposer;

7. The nature and characteristics of the consumers, recipients, or other users of goods and services provided by Applicant;

8. The use, meaning, and understanding of the term “get ordained” among consumers, recipients, or other users of services identified in U.S. Trademark Application No. 87/430,729;

9. Opposer’s objections and responses to interrogatories served on Opposer in this matter, including the investigation and preparation of such responses and any documents or information reviewed or relied upon in conducting such investigation or preparing such responses;

10. Opposer’s objections and responses to requests for admission served on Opposer in this matter, including the investigation and preparation of such responses and any documents or information reviewed or relied upon in conducting such investigation or preparing such responses;

11. Opposer's objections and responses to requests for production of documents and things served on Opposer in this matter, including documents produced in response to such requests, the investigation and preparation of such responses and documents, and any documents or information reviewed or relied upon in conducting such investigation or preparing such responses or documents;

12. Opposer's initial disclosures and any supplements thereto served on Applicant in this matter, including the documents, information, witnesses, and testimony identified therein.

13. The nature and extent of any damage Opposer has suffered or believes it will suffer resulting from Applicant's use of the term "get ordained" or issuance of a U.S. trademark registration resulting from U.S. Trademark Application No. 87/430,729.

14. Any terms used to identify or refer to the genus or class of each service identified in U.S. Trademark Application No. 87/430,729.

15. The use, storage, copying, distribution, or access to any information or documents **(a)** obtained by Opposer or any current or past agent, contractor, or employee of Opposer, **(b)** from Applicant or any officer, director, employee, or agent of Applicant, **(c)** while such agent, contractor, or employee of Opposer was employed or contracted by Applicant, or otherwise acting as an agent of Applicant.

DATED: November 5, 2018

39586)

By: s/ Michael P. Matesky, II/
Michael P. Matesky, II (WSBA #

Matesky Law PLLC
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331

Fax: 206.701.0332
Email: mike@mateskylaw.com;
litigation@mateskylaw.com

Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document on Opposer's counsel of record by email transmission to nancy.stephens@foster.com and renee.stewart@foster.com, pursuant to Trademark Rule § 2.119(b), 37 C.F.R. § 2.119(b).

Dated this 5th day of November, 2018

/s/ Michael P. Matesky, II/
Michael P. Matesky, II

Exhibit E

November 5, 2018

VIA EMAIL

Nancy Stephens, Esq.
Foster Pepper PLLC
1111 Third Avenue, Suite 3000
Seattle, WA 98101
Nancy.Stephens@Foster.com
Renee.Stewart@Foster.com

Re: *American Marriage Ministries v. Universal Life Church Monastery
Storehouse, Inc.*, Opposition No. 91237315 (T.T.A.B.)

Dear Nancy:

I write to follow up my prior letter of October 10, 2018, and our conversation of October 25, 2018, regarding deficiencies in the responses produced by AMM and other discovery matters.

Discovery Deficiencies

During our conversation, you stated that AMM would provide supplemental responses addressing many of the deficiencies addressed in my letter of October 10, 2018, and indicated that you would likely produce such supplemental responses sometime last week. To date, I have received no such supplemental responses. ULCM will file a motion to compel production if we do not receive supplemental responses curing the identified deficiencies.

Depositions and Discovery Scheduling

As we discussed on our call, ULCM intends to depose AMM and its representatives in this matter. To that end, deposition notices for Glen Yoshioka and Dylan Wall are sent concurrently with this letter, and I will be sending a 30(b)(6) deposition notice for AMM shortly. These depositions are noticed for November 14-16. As I mentioned on our call, these dates were chosen to ensure that ULCM has the benefit of all requested written discovery responses prior to deposition of AMM and its key representatives.

However, I understand that these dates are not convenient for you. Accordingly, I propose filing a stipulated motion to extend the discovery period thirty days solely for the purpose of taking the noticed depositions. Based on our conversation and schedules, this would likely mean taking the depositions later in the week of December 3rd or sometime during the week of December 10th.

Nancy Stephens, Esq.

Please let me know as soon as possible whether Opposer will stipulate to this proposed extension.

Sincerely,

MATESKY LAW^{PLLC}

A handwritten signature in blue ink, appearing to read "MP Matesky II", is positioned above the typed name.

Michael P. Matesky, II

E-Mail Address: mike@mateskylaw.com

Exhibit F

Amy Wallace

From: Mike Matesky <mike@mateskylaw.com>
Sent: Tuesday, November 6, 2018 6:44 PM
To: 'Nancy Stephens'
Cc: 'Renee Stewart'
Subject: RE: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Hi Nancy,

What if we extend the time period to Dec 21st. Does anyone really want the depositions to take place the week of the 24th or Dec. 31st?

Sincerely,
Mike

Mike Matesky
Matesky Law PLLC
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.701.0332
mike@mateskylaw.com
www.mateskylaw.com



MATESKY LAW PLLC
Business | Intellectual Property | Technology | Entertainment

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From: Nancy Stephens [mailto:nancy.stephens@foster.com]
Sent: Tuesday, November 06, 2018 3:26 PM
To: 'Mike Matesky' <mike@mateskylaw.com>
Cc: Renee Stewart <renee.stewart@foster.com>
Subject: RE: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Mike: AMM will stipulate to a discovery extension but requests 45 rather than 30 days to clear the end of the year. We are still considering Dec. 3 / Dec 10 dates and will get back to you soon and one or the other should work. Thank you. Nancy

Nancy V. Stephens
ATTORNEY

Foster Pepper PLLC
Tel: 206.447.8925
Fax: 206-749-2006
Cell: 206-412-4121
nancy.stephens@foster.com

From: Mike Matesky [<mailto:mike@mateskylaw.com>]

Sent: Monday, November 05, 2018 6:30 PM

To: Nancy Stephens

Cc: Renee Stewart

Subject: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Nancy,

Please see the attached 30(b)(6) deposition notice for American Marriage Ministries. Please let me know as soon as you are able whether AMM will stipulate to the proposed discovery extension set forth in my email/letter from earlier today.

Sincerely,

Mike

Mike Matesky
Matesky Law PLLC
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
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mike@mateskylaw.com
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Exhibit G

Amy Wallace

From: Mike Matesky <mike@mateskylaw.com>
Sent: Tuesday, November 6, 2018 6:44 PM
To: 'Nancy Stephens'
Cc: 'Renee Stewart'
Subject: RE: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Hi Nancy,

What if we extend the time period to Dec 21st. Does anyone really want the depositions to take place the week of the 24th or Dec. 31st?

Sincerely,
Mike

Mike Matesky
Matesky Law PLLC
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.701.0332
mike@mateskylaw.com
www.mateskylaw.com



MATESKY LAW PLLC
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From: Nancy Stephens [mailto:nancy.stephens@foster.com]
Sent: Tuesday, November 06, 2018 3:26 PM
To: 'Mike Matesky' <mike@mateskylaw.com>
Cc: Renee Stewart <renee.stewart@foster.com>
Subject: RE: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Mike: AMM will stipulate to a discovery extension but requests 45 rather than 30 days to clear the end of the year. We are still considering Dec. 3 / Dec 10 dates and will get back to you soon and one or the other should work. Thank you. Nancy

Nancy V. Stephens
ATTORNEY

Foster Pepper PLLC
Tel: 206.447.8925
Fax: 206-749-2006
Cell: 206-412-4121
nancy.stephens@foster.com

From: Mike Matesky [<mailto:mike@mateskylaw.com>]

Sent: Monday, November 05, 2018 6:30 PM

To: Nancy Stephens

Cc: Renee Stewart

Subject: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Nancy,

Please see the attached 30(b)(6) deposition notice for American Marriage Ministries. Please let me know as soon as you are able whether AMM will stipulate to the proposed discovery extension set forth in my email/letter from earlier today.

Sincerely,
Mike

Mike Matesky
Matesky Law PLLC
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.701.0332
mike@mateskylaw.com
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Amy Wallace

From: Nancy Stephens <nancy.stephens@foster.com>
Sent: Tuesday, November 6, 2018 8:40 PM
To: 'Mike Matesky'
Cc: Renee Stewart
Subject: RE: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

No we don't but we like extending the end of discovery through the end of the year. Is this OK with you? Nancy

Nancy V. Stephens

ATTORNEY

Foster Pepper PLLC

Tel: 206.447.8925

Fax: 206-749-2006

Cell: 206-412-4121

nancy.stephens@foster.com

From: Mike Matesky [mailto:mike@mateskylaw.com]
Sent: Tuesday, November 06, 2018 4:44 PM
To: Nancy Stephens
Cc: Renee Stewart
Subject: RE: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Hi Nancy,

What if we extend the time period to Dec 21st. Does anyone really want the depositions to take place the week of the 24th or Dec. 31st?

Sincerely,
Mike

Mike Matesky
Matesky Law PLLC
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.701.0332
mike@mateskylaw.com
www.mateskylaw.com



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From: Nancy Stephens [mailto:nancy.stephens@foster.com]
Sent: Tuesday, November 06, 2018 3:26 PM
To: 'Mike Matesky' <mike@mateskylaw.com>
Cc: Renee Stewart <renee.stewart@foster.com>
Subject: RE: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Mike: AMM will stipulate to a discovery extension but requests 45 rather than 30 days to clear the end of the year. We are still considering Dec. 3 / Dec 10 dates and will get back to you soon and one or the other should work. Thank you. Nancy

Nancy V. Stephens
ATTORNEY
Foster Pepper PLLC
Tel: 206.447.8925
Fax: 206-749-2006
Cell: 206-412-4121
nancy.stephens@foster.com

From: Mike Matesky [mailto:mike@mateskylaw.com]
Sent: Monday, November 05, 2018 6:30 PM
To: Nancy Stephens
Cc: Renee Stewart
Subject: American Marriage Ministries v. Universal Life Church Monastery Storehouse, Inc., Opposition No. 91237315 (T.T.A.B.)

Nancy,

Please see the attached 30(b)(6) deposition notice for American Marriage Ministries. Please let me know as soon as you are able whether AMM will stipulate to the proposed discovery extension set forth in my email/letter from earlier today.

Sincerely,
Mike

Mike Matesky
Matesky Law PLLC
1001 4th Ave., Suite 3200
Seattle, WA 98154
Ph: 206.701.0331
Fax: 206.701.0332
mike@mateskylaw.com
www.mateskylaw.com



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Exhibit H

November 10, 2018

VIA EMAIL

Nancy Stephens, Esq.
Foster Pepper PLLC
1111 Third Avenue, Suite 3000
Seattle, WA 98101
Nancy.Stephens@Foster.com
Renee.Stewart@Foster.com

Re: *American Marriage Ministries v. Universal Life Church Monastery
Storehouse, Inc.*, Opposition No. 91237315 (T.T.A.B.)

Dear Nancy:

I write to follow up regarding our conversation of October 25, 2018, my prior letter and deposition notices sent November 5, 2018, and our conversation of yesterday (November 9, 2018) concerning depositions and scheduling.

Background

During our October 25, 2018, conversation, I informed you that ULCM intended to take depositions of AMM and its personnel the week of November 13-16, 2018, after AMM had served responses to ULCM's second set of discovery requests, but before the close of discovery. You stated that you would be out of town from November 10, 2018, through the close of discovery. You did not mention any desire to depose ULCM or its personnel.

Based on your stated unavailability, when serving deposition notices for AMM, Dylan Wall, and Glen Yoshioka on November 5, 2018 (setting deposition dates for November 14-16, 2018), I proposed extending the discovery period for 30 days, solely for the purpose of taking the noticed AMM, Wall, and Yoshioka depositions. On November 6, 2018, you stated by email that AMM would agree to such an extension, but requested that the extension go through the end of the 2018 calendar year. You did not mention any desire to depose ULCM or its personnel, or that you would, in fact, be in town during the noticed deposition dates.

I subsequently stated by email ULCM's opposition to any extension lasting beyond December 21, 2018. Because we had not yet reached agreement on this issue, and I believed you to be leaving town on November 10, 2018, I called you yesterday to resolve the matter. During our call, you informed me for the first time that you would not be leaving town until November 17, 2018 (after the close of discovery), and that AMM is considering taking the deposition of George Freeman. I have not received any deposition notice regarding George Freeman.

Nancy Stephens, Esq.

Depositions and Potential Stipulation

Having now learned that you will be in town next week, ULCM is prepared to take the AMM, Wall, and Yoshioka depositions next week as originally noticed. If these deponents are not available for deposition next week, ULCM will not oppose a motion to extend the discovery period solely for the purpose of taking the AMM, Wall, and Yoshioka depositions sometime between December 6, 2018, and December 21, 2016.

However, ULCM will oppose any motion to extend the discovery period for any other purpose, including for the purpose of deposing persons who could have been deposed during the discovery period if given adequate notice, such as George Freeman.

Please let me know if AMM intends to file a motion seeking to extend the discovery period. Otherwise, I look forward to seeing you at the depositions noticed for November 14-16.

Sincerely,

MATESKY LAW^{PLLC}



Michael P. Matesky, II

E-Mail Address: mike@mateskylaw.com

Exhibit I

From: [Nancy Stephens](#)
To: ["Mike Matesky"](#)
Cc: [Renee Stewart](#); [Ben Hodges](#)
Subject: RE: Depositions & Scheduling; American Marriage Ministries v. Universal Life Church Monastery, Opposition No. 91237315 (T.T.A.B.)
Date: Monday, November 12, 2018 1:13:06 PM

Mike:

Will you agree to a 30 day extension of discovery to allow time for both parties to take their depositions? You will recall we were only first notified on the 5th and that on the same day you sought to extend the discovery period. Which we agreed to but suggested an additional 10 days to Dec. 31. You apparently did not recall my comments about deposing your client or understand the reason we were seeking to extend the discovery was so both parties could conveniently schedule their depositions and conserve resources by scheduling depositions within the same time frame.

Your return to the original date does not give us enough time to prepare for the depositions and while I am in town this week I leave Friday so will be unavailable on Friday. Further, our clients are not available this week. Can we consent to a 30 day extension of the discovery deadline for all depositions? This would allow us to be able to schedule depositions rather than to expend TTAB resources, wait for the Board to hear the various motions, reset the date and then we decide on dates.

From your letter it sounds like you are unwilling to do this but I hope that given the circumstances of our unavailability and other reasons expressed above you will agree to the 30 day extension. Thank you. Nancy

Nancy V. Stephens
ATTORNEY
Foster Pepper PLLC
Tel: 206.447.8925
Fax: 206-749-2006
Cell: 206-412-4121
nancy.stephens@foster.com

From: Nancy Stephens
Sent: Monday, November 12, 2018 12:18 PM
To: 'Mike Matesky'
Cc: Renee Stewart; Ben Hodges
Subject: RE: Depositions & Scheduling; American Marriage Ministries v. Universal Life Church Monastery, Opposition No. 91237315 (T.T.A.B.)

Mike will you call me regarding your last message. My clients are not available for your noticed dates. Please call at your convenience. Nancy

Nancy V. Stephens
ATTORNEY
Foster Pepper PLLC
Tel: 206.447.8925
Fax: 206-749-2006
Cell: 206-412-4121
nancy.stephens@foster.com

From: Mike Matesky [mailto:mike@mateskylaw.com]

Sent: Saturday, November 10, 2018 11:14 AM

To: Nancy Stephens

Cc: Renee Stewart

Subject: Depositions & Scheduling; American Marriage Ministries v. Universal Life Church Monastery, Opposition No. 91237315 (T.T.A.B.)

Dear Nancy,

Please see the attached correspondence regarding depositions and scheduling in the GET ORDAINED opposition matter.

Sincerely,

Mike

Mike Matesky

Matesky Law PLLC

1001 4th Ave., Suite 3200

Seattle, WA 98154

Ph: 206.701.0331

Fax: 206.701.0332

mike@mateskylaw.com

www.mateskylaw.com



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Exhibit J

GET ORDAINED Opposition No. 91237315

Renee Stewart <renee.stewart@foster.com>

Tue 11/13/2018 11:01 PM

Inbox

To: 'trademarks@mateskylaw.com' <trademarks@mateskylaw.com>; 'mike@mateskylaw.com' <mike@mateskylaw.com>; Amy Wallace <amy@virtualparalegalservices.com>;

Cc: Nancy Stephens <nancy.stephens@foster.com>; Ben Hodges <ben.hodges@foster.com>;

 3 attachments (126 KB)

Notice of Deposition of ULC.PDF; Notice of Deposition of George Freeman.pdf; Notice of Deposition of Dallas Goschie.pdf;

Dear Mr. Matesky:

Attached are the following documents:

- Notice of Deposition of George Freeman
- Notice of Deposition of Universal Life Church Monastery Storehouse, Inc.
- Notice of Deposition of Dallas Goschie

Please let us know if you should have any questions.

Kind regards,

Renee Stewart

PARALEGAL

FOSTER PEPPER PLLC

618 W. Riverside Avenue, Suite 300

Spokane, WA 99201

renee.stewart@foster.com

Tel: 509.777.1613

foster.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

NOTICE OF DEPOSITION OF DALLAS
GOSCHIE

PLEASE TAKE NOTICE that, in accordance with 37 CFR § 2.120 and Fed. R. Civ. P. 30, Opposer American Marriage Ministries (“Opposer”) will take the discovery deposition of Dallas Goschie, commencing at 4:00 PM on November 16, 2018, at the offices of Foster Pepper PLLC, 1111 Third Avenue, Suite 3000, Seattle, WA 98101. The testimony shall be recorded by stenographic and/or audiovisual means by a notary public or other officer authorized to administer oaths. The deposition will be taken for the purposes of discovery and for any other purpose permitted under the Federal Rules of Civil Procedure and the rules of the Board. The deposition will continue until completed as provided in the Federal Rules of Civil Procedure. You are invited to attend and cross-examine.

DATED: November 13, 2018

By: /Nancy V. Stephens/
Nancy V. Stephens, WSBA No. 31510
Attorneys for Opposer
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
206-447-4400

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document on Applicant's counsel of record by email transmission to mike@mateskylaw.com and litigation@mateskylaw.com, pursuant to Trademark Rule § 2.119(b), 37 C.F.R. § 2.119(b).

Dated this 13th day of November, 2018.

/Nancy V. Stephens/
Nancy V. Stephens, WSBA No. 31510
Attorneys for Opposer
1111 Third Avenue, Suite 3000
Seattle, Washington 98101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

NOTICE OF DEPOSITION OF GEORGE
FREEMAN

PLEASE TAKE NOTICE that, in accordance with 37 CFR § 2.120 and Fed. R. Civ. P. 30, Opposer American Marriage Ministries (“Opposer”) will take the discovery deposition of George Freeman, commencing at 9:30 AM on November 16, 2018, at the offices of Foster Pepper PLLC, 1111 Third Avenue, Suite 3000, Seattle, WA 98101. The testimony shall be recorded by stenographic and/or audiovisual means by a notary public or other officer authorized to administer oaths. The deposition will be taken for the purposes of discovery and for any other purpose permitted under the Federal Rules of Civil Procedure and the rules of the Board. The deposition will continue until completed as provided in the Federal Rules of Civil Procedure. You are invited to attend and cross-examine.

DATED: November 13, 2018

By: /Nancy V. Stephens/
Nancy V. Stephens, WSBA No. 31510
Attorneys for Opposer
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
206-447-4400

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document on Applicant's counsel of record by email transmission to mike@mateskylaw.com and litigation@mateskylaw.com, pursuant to Trademark Rule § 2.119(b), 37 C.F.R. § 2.119(b).

Dated this 13th day of November, 2018.

/Nancy V. Stephens/
Nancy V. Stephens, WSBA No. 31510
Attorneys for Opposer
1111 Third Avenue, Suite 3000
Seattle, Washington 98101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

NOTICE OF DEPOSITION OF
UNIVERSAL LIFE CHURCH
MONASTERY STOREHOUSE, INC.

PLEASE TAKE NOTICE that, in accordance with 37 CFR § 2.120 and Fed. R. Civ. P. 30 (b)(6), Opposer American Marriage Ministries (“Opposer”) will take the discovery deposition of Applicant Universal Life Church Monastery Storehouse, Inc. (“Applicant”) commencing at 2:30 PM on November 16, 2018, at the offices of Foster Pepper PLLC, 1111 Third Avenue, Suite 3000, Seattle, WA 98101. The testimony shall be recorded by stenographic and/or audiovisual means by a notary public or other officer authorized to administer oaths. The deposition will be taken for the purposes of discovery and for any other purpose permitted under the Federal Rules of Civil Procedure and the rules of the Board. The deposition will continue until completed as provided in the Federal Rules of Civil Procedure. You are invited to attend and cross-examine.

Applicant is advised that, as set forth in TBMP §404.06(b), it must designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf with respect to the matters described below for examination. If more than one person is designated, Opposer may specify the matters on which each person will testify. Such designated person(s) must testify about information known to or reasonably available to Applicant, based upon information known to such person(s), as well as information reasonably available to Applicant from documents, other current and past employees, and other sources. Preparation and investigation by the designated person(s) is essential, and failure to comply with this requirement may result in sanctions being imposed upon Applicant. Applicant will be examined on the following matters, and should present its witness(es) most knowledgeable of:

1. Information regarding the corporate structure of Applicant and its management and employees;

2. The factual allegations made by Applicant in the pleadings, or in response to any interrogatory or request for admission served on Applicant in this matter, together with the identity of all documents, tangible and intangible things, and witnesses presently known to Applicant that may support, confirm, corroborate, challenge, contradict, or deny those factual allegations;

2. The factual bases presently known to Applicant which support the legal allegations made by Applicant in the pleadings, or in response to any interrogatory or request for admission served on Applicant in this matter, including any evidence of those factual bases that has been provided to Applicant's counsel thus far in this proceeding;

3. Facts surrounding the filing of Trademark Application No. 87/430,729 and plans to exploit or otherwise use the trademark for Applicant's business;

4. The nature and extent of actual use, if any, of the term "get ordained" by Applicant or any third party, including the commencement of such use and the continuity of such use from commencement to the present day, in connection with any services identified in U.S. Trademark Application No. 87/430,729 and any related goods or services;

5. The nature and extent of actual use, if any, of the term "get ordained" as a trademark, service mark, or source identifier, by Opposer, Applicant, or any third party, in connection with any service identified in U.S. Trademark Application No. 87/430,729, including the commencement of such use and the continuity of such use from commencement to the present day;

6. The nature and extent of actual use, if any, of the term "get ordained" as a common or merely descriptive term by Applicant, Opposer or any third party, in connection with any service identified in U.S. Trademark Application No. 87/430,729, including the commencement of such use and the continuity of such use from commencement to the present day;

7. The nature and characteristics of the consumers, recipients, or other users of goods and services provided by Applicant;

8. Applicant's definition or characterization of the meaning of the term "get ordained";

9. The use, meaning, and understanding of the term “get ordained” among consumers, recipients, or other users of services identified in U.S. Trademark Application No. 87/430,729;

10. Applicant’s objections and responses to requests for admission served on Opposer in this matter, including the investigation and preparation of such responses and any documents or information reviewed or relied upon in conducting such investigation or preparing such responses;

11. Applicant’s objections and responses to interrogatories served on Applicant in this matter, including the investigation and preparation of such responses and any documents or information reviewed or relied upon in conducting such investigation or preparing such responses;

12. Applicant’s objections and responses to requests for production of documents served on Applicant in this matter, including documents produced in response to such requests, the investigation and preparation of such responses and documents, and any documents or information reviewed or relied upon in conducting such investigation or preparing such responses or documents;

13. Applicant’s initial disclosures served on Opposer in this matter, including the documents, information, witnesses, and testimony identified therein.

14. Information or documents which Applicant believes were obtained and retained by Opposer or any current or past agent, contractor, or employee of Opposer while such agent, contractor, or employee of Opposer was employed or contracted by Applicant;

15. The relevance of information or documents which Applicant believes were obtained and retained by Opposer or any current or past agent, contractor, or employee of Opposer while employed or contracted by Applicant, to the issue of whether “get ordained” is merely descriptive or generic.

16. Any terms used to identify or describe each service identified in U.S. Trademark Application No. 87/430,729.

DATED: November 13, 2018

/Nancy V. Stephens/
Nancy V. Stephens WSBA No. 31510
Foster Pepper PLLC
Attorneys for Opposer
1111 Third Avenue, Suite 3200
Seattle, WA 98101-3299
206-447-4400

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I served the foregoing **NOTICE OF DEPOSITION OF UNIVERSAL LIFE CHURCH MONASTERY STOREHOUSE, INC.** on the Applicant by emailing to Applicant as follows:

Michael P. Matesky, II
Matesky Law PLLC
trademarks@mateskylaw.com
mike@mateskylaw.com

/Renee Stewart/

Renee Stewart